



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/994,664	11/28/2001	Willis Blankenship	7517.100	8429

7590 10/24/2003

Thomas P. Liniak, Esq.
Liniak, Berenato, Longacre & White
Suite 240
6550 Rock Spring Drive
Bethesda, MD 20817

EXAMINER

JACKSON, ANDRE L

ART UNIT PAPER NUMBER

3677

DATE MAILED: 10/24/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/994,664

Applicant(s)

BLANKENSHIP, WILLIS

Examiner

Andre' L. Jackson

Art Unit

3677

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 July 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6,8-10 and 12-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 November 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-6, 8-10 and 12-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over USPN 5,695,101 to Fietze in view of USPN 5,370,286 to Newman. Fietze discloses a combination sports equipment carrier and sports equipment securing strap assembly for attaching sports equipment (1, 2) onto a supporting structure, the strap assembly comprising, an equipment- engaging strap (4a, 4b) including an equipment-engaging strap length adjustment device (12a, 12b) for continuously adjusting a length of the equipment-engaging strap and a releasable coupling device (10a, 10b) for selectively configuring the equipment-engaging strap between a closed loop configuration for engaging the equipment-engaging strap around the sports equipment and an open loop configuration for disengaging the equipment-engaging strap from the sports equipment; an equipment-holding strap (5) including, a first end provided with a first releasable fastener (30a) attached to the first end, a second end provided with a second releasable fastener (30b) attached to a second end; a first equipment-holding strap length adjustment device (6a) for continuously adjusting an overall length of the equipment-holding strap defined by an amount of overlap of two portions of the equipment- holding strap. The first releasable fastener is releasably attached to the equipment-engaging strap and the second releasable fastener is provided for releasably attaching the equipment-holding strap to a structure

Art Unit: 3677

(a shoulder of a user), and wherein the second releasable fastener can be adapted to attach the equipment-holding strap to wrap around the structure. However, Frietze fails to disclose or suggest a slidable ring disposed on the equipment-holding strap between the equipment-holding strap length adjustment device and the first releasable fastener as claimed. Newman teaches an adjustable strap (11) comprising a first releasable fastener (17), a second releasable fastener (37); several strap adjustment buckles (27,29) and slidable rings (26, 39) disposed between the adjustment buckles and the first and second releasable fasteners. The strap is operable to encircle onto itself or form loops by connecting the fasteners to the slidable rings as seen in Fig. 2 or the strap can be connected directly to a supporting structure as seen in Figs. 3B and 3C. Therefore, it would have been obvious to one having ordinary skill in the art at the time of applicant's invention to modify the sports equipment carrier of Frietze to include the adjustable strap as taught by Newman for the purpose of having a multi-purpose universal strap assembly that has increased versatility which can be wrapped around an object or structure, worn by a user to carry object(s) or structure (s), secured to itself forming support loops and being able to be connected to a supporting structure in various configurations.

Referring to claims 2-6, 8-10, 12 and 19-21, it is obvious to one having ordinary skill of the various securing configurations of the strap assembly taught by Newman with the ability to be wrapped around a structure (bar or shaft) and be secured to itself by the combination of the first and second releasable fasteners and the slidable ring members, the assembly can be wrapped around a structure and secured to the equipment-engaging strap of Frietze via the slidable rings (31a, 31b) or the assembly can be secured directly to a structure by either the first or second releasable fastener.

Referring to claims 13-15, Frietze and Newman disclose that the plurality of eyelet or rings disposed on the equipment-engaging strap and the equipment-holding strap respectively are D-shaped or triangular, which can be rotated 90 degrees to resemble a D-shape ring.

As to claim 22, Frietze discloses that the rings (31a, 31b) that inter-connect the equipment-holding strap to the equipment-engaging strap are disposed upon pad members (9a, 9b) where the pads are formed with slits through a longitudinal portion thereof to allow the equipment-engaging strap to be threaded there-through, consequently allowing the rings to be adaptable to slide about or along the circumference of the equipment-engaging strap from one side of the coupling fasteners (10a, 10b) to the other.

Response to Applicant's Arguments

Applicant's arguments filed in Amendment B on July 28, 2003 have been fully considered but they are not persuasive. In response to applicant's remarks and amendment to applicant's claims in the above amendment, #5,695,101 to Frietze and #5,370,286 to Newman has been cited which are used in combination to meet the limitations of applicant's claims. Accordingly, claims 1-6, 8-10 and 12-26 are rejected.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andre' L. Jackson whose telephone number is (703) 605-4276. The examiner can normally be reached on Mon. - Fri. (10 am - 6 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Knight can be reached on (703) 308-3179. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1018.

André L. Jackson
Patent Examiner
AU 3677



Anthony Knight
Supervisory Patent Examiner
Group 3600

Application/Control Number: 09/994,664

Art Unit: 3677

Page 6

ALJ